

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MURRAY WALTER PISONY,

*Plaintiff/Counterclaim
Defendant,*

v.

COMMANDO CONSTRUCTION, INC.
and JAMES MCLEOD HOLDINGS, INC.,

*Defendants/Counterclaim
Plaintiffs.*

Case No.: 6:17-cv-00055 RP-JCM

JURY DEMAND

**DECLARATION OF DAISY MANNING IN SUPPORT OF
DEFENDANTS/COUNTERCLAIM PLAINTIFFS'
RESPONSIVE CLAIM CONSTRUCTION BRIEF**

I, Daisy Manning, hereby state and declare as follows:

1. I am an attorney for Defendants/Counterclaim Plaintiffs Commando Construction, Inc. and James McLeod Holdings, Inc. in the above-styled litigation. My testimony in this declaration is based on personal knowledge, information and belief relating to this litigation.
2. Plaintiff claims that he had no knowledge of CCI leasing the accused machines in the United States between 2008 and 2015, but documents produced by Plaintiff during the course of discovery unmistakably show that, as early as 2013, Plaintiff was aware of at least one 2010-2011 pipeline job in the United States in which the accused machines were operated.
3. The document referenced in paragraph 2 was designated by Plaintiff as "Attorney's Eyes Only."
4. Attached hereto as Exhibit FF is a true and correct copy of *Merriam-Webster Online's* Definition of Extend.

5. Attached hereto as Exhibit GG is a true and correct copy of *Dictionary of Nautical Words and Terms*' Definition of Mast.

6. The definitions cited by Plaintiff have never been produced in discovery despite requests for productions specifically seeking such documents, in addition to informal requests for these documents after the parties identified evidence in support of their proposed claim constructions pursuant to the Scheduling Order.

7. Attached hereto as Exhibit HH is a true and correct copy of *The MacMillan Visual Dictionary's* Definitions of Mast.

8. Attached hereto as Exhibit II is a true and correct copy of *Webster's New College Dictionary's* Definition of Telescope.

9. Attached hereto as Exhibit JJ is a true and correct copy of *The Illustrated Oxford Dictionary's* Definition of Telescope.

10. Attached hereto as Exhibit KK is a true and correct copy of *Random House Webster's Unabridged Dictionary's* Definition of Telescope.

11. Attached hereto as Exhibit LL is a true and correct copy of *The American Heritage College Dictionary's* Definition of Telescope.

12. Attached hereto as Exhibit MM is a true and correct copy of *Merriam-Webster's* Definition of Telescope.

13. Attached hereto as Exhibit NN is a true and correct copy of *Webster's New World College Dictionary's* Definition of Telescope.

* * * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and correct.

EXECUTED this 10th day of August 2018, in St. Louis, Missouri.

/s/ Daisy Manning
Daisy Manning